

### **REMARKS**

Claims 1-21 are pending in the application. Claims 1 and 12 have been amended to indicate that the liquid coating composition includes a polyamide. Support for the amendments can be found in the original claims. Claims 22-25 have been added to indicate that the polyamide can include oligomeric fatty acid amides and/or polymeric fatty acid amides. Support for the amendments can be found in the original claims.

#### **Rejections under 35 U.S.C. § 112, second paragraph**

Claims 1, 11, and 12 stand rejected under 35 U.S.C. § 112, second paragraph as the Examiner indicates that no distinction can be made between polyamides and either of oligomeric or polymeric fatty acid amides. Claims 1 and 12 have been amended to only recite polyamides. Claims 22-25 recite oligomeric or polymeric fatty acid amides separately. Claim 11 was cancelled in the Preliminary Amendment filed July 15, 2003. As the rejections have been addressed, they should now be withdrawn.

#### **Rejections under 35 U.S.C. § 103(a)**

Claims 1-21 stand rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 4,788,256 to Aoki et al. (hereinafter "Aoki"). The Examiner suggests that the disclosure of Aoki exemplifies the use of a polyamide resin as compound (B) and that it would have been obvious to formulate a composition including the methacryloyl-based polymers (A). Applicants respectfully request reconsideration.

The present invention is directed to a process for preparing a coating that includes a) applying to a porous and/or absorbent substrate a liquid coating composition containing at least one component having (meth)acryloyl groups and a dynamic viscosity of less than 2000 mPa.s and 0.1 to 10 wt.%, based on the non-volatile content of the coating composition, of an additive including comprising a polyamide, and b) polymerizing the composition with radiation.

Aoki discloses a curable composition which comprises as the essential components (A) a polymer having a main chain comprising carbon-carbon bonds and an isocyanatocarbonyl group as a pendant to the main chain, the content of the isocyanatocarbonyl groups present in the molecule of the polymer being from 0.1 to

72.2% by weight, and (B) an active hydrogen atom-containing compound which has one or more active hydrogen atoms in the molecule.

Of particular significance is that Aoki requires the polymerization of the (meth)acryloyl containing compounds, which in forming the polymer destroy the (meth)acryloyl unsaturation that is present in the present liquid coating composition (see col. 2, lines 57-60 of Aoki). In other words, there is no (meth)acryloyl unsaturation present in the curable coating composition of Aoki, only an isocyanate group-containing polymer to be used as an essential component (col. 1, lines 7-9).

Thus, there is no disclosure or suggestion in Aoki, to include at least one component having (meth)acryloyl groups in a liquid coating composition as required in the present claims. Therefore, the claims cannot be obvious over Aoki and the rejection of Claims 1-21 under 35 U.S.C. §103(a) should be withdrawn.

#### **Double Patenting Rejection**

Claim 11 stands rejected under the judicially created doctrine of obviousness-type double patenting over the claims of U.S. Patent No. 6,635,699.

Claim 11 was cancelled in the Preliminary Amendment filed July 15, 2003.

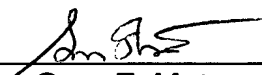
As the rejection is moot, it should be withdrawn.

#### **CONCLUSION**

Applicants contend that the claim amendments add no new matter and find support in the specification and original claims.

Applicants submit that the instant application is in condition for allowance. Accordingly, reconsideration and a Notice of Allowance are respectfully requested for Claims 1-10 and 12 -25. If the Examiner is of the opinion that the instant application is in condition for other than allowance, she is invited to contact the Applicants' agent at the telephone number listed below, so that additional changes to the claims can be discussed.

Respectfully submitted,

By   
Gary F. Matz  
Agent for Applicants  
Reg. No. 45,504

Bayer MaterialScience LLC  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741  
(412) 777-  
FACSIMILE PHONE NUMBER:  
(412) 777-3902  
s:\shared\kgb\gfm176am